

A regular meeting of the Town of James Island was held on Tuesday, December 4, 2007 at 7:00 p.m. at the James Island Public Service District Office, 1739 Signal Point Road, James Island, South Carolina.

Present at the meeting were the following: Mary Clark, Mayor, who presided, Council Members: Leonard Blank, Joe Qualey, Bill Wilder, and Parris Williams.

Also present were: Bonum (Bo) Wilson, Attorney, Roy DeHaven, Planning Consultant, Charlie Rhodes, Disaster and Emergency Coordinator, and Frances Simmons, Town Clerk.

Councilman Williams gave the invocation and led in the pledge to the flag.

Mayor Clark called the meeting to order and announced that the meeting was being held in accordance with the Freedom of Information Act, and would be conducted according to Roberts Rules of Order.

Mayor's Comments: As most of you know, I was a child of World War II. This War has fascinated me, the entire country was threatened and everyone had to be of one accord. We rolled bandages at school and set splints (the same school at the corner of Fort Johnson and Dills Bluff). The children would go under their desks during the air raids. Many fascinating stories have come out of that War; one was about the original York Town that was damaged (at the Battle of Midway), almost beyond repair. Admiral Nimitz said he needed it repaired right away; the repair crew said it would take three months for the repair, but he said 'I want it in three days'. The ship left the shipyard with Navy workers headed out to sea working. The people were like ants on the ship; yet the work was accomplished in three days. Another fascinating story was about the assembly of the B-24 Bomber. There were so many ships and bombers that were needed for the War. The chief engineer's crew put together planes using more than 488,000 parts, 30,000 components, 24 major sub-assemblies, 25,000 initial engineered drawings, 10 model changes in 6 years, thousands of running changes; with the 38,500 employees, they had 100% productivity; 25 of those bombers rolled out every single day, with more than one per hour for a bomber of that size – all because the people were of one accord. We've heard it said that the people saved a nation for us.... right now we are trying to have our own government in that nation and we must be of one accord. The first Town had its share of problems - I was not there. During the second Town, a web site was put up to criticize me. This time there has been more back-biting and undercover subterfuges. Let me remind you that we still do not have our Town... we are not out of the woods yet. We will go to court soon and there will be a ruling... the City has taken our Town away twice, taking away \$3 million each time. This can happen again - we didn't think it would happen then. We must do the best we can with what we have and be of one accord!

Public Comments: The following individuals addressed Council:

Van Fleming – 1331 Battalion Drive: Mr. Fleming commented that the reason citizens come to Town meetings is because they want to know what is going on to support Council with what they are trying to do; and to ask Council to do what the people have elected them to do.

Consideration of Minutes: November 20, 2007: **A motion to approve the minutes of November 20, 2007 was made by Councilman Wilder, seconded by Councilman Williams and unanimously approved.**

Town Counsel Report: Mr. Wilson reported on the following matters:

Leasure Pond: Mr. Leasure has agreed to sign the original Indemnity Agreement Release proposed by Council this summer. The concerns Mr. Leasure had has been satisfied after he spoke with Seabrook

Engineering. Mr. Wilson said after he receives the Indemnity Agreement Release, the ground penetrating work will begin to determine if there are graves on the property.

Franchise Agreement – Knology: Mr. Wilson reported that Knology has not paid a franchise fee to the Town. Mr. DeHaven said Council will need to authorize Mr. Wilson to look into the matter with Knology's attorneys and staff. Knology's position is because the Town is in litigation and its future is unsure, they are paying these franchise fees to the County. **Councilman Blank made a motion, seconded by Councilman Wilder, authorizing Mr. Wilson to investigate the Franchise Agreement with Knology in order for the Town to receive their share of these fees. The motion passed unanimously.**

Charleston County Sheriffs Office: Mr. Wilson reported having conversations with the County attorneys regarding the Sheriffs Office, specifically, as it relates to the enforcement of a Noise Ordinance in the Town. Mr. Wilson said the Town could adopt the County's Ordinances or enter into an Intergovernmental Agreement with them. By doing so, the Sheriffs Office would be able to enforce violations in the Town because the ordinances would be the same. A series of Noise Ordinances will be presented to Council for consideration at the December 18th meeting. Councilman Wilder asked how the ordinances would be enforced if they are adopted. Mr. Wilson said the County, Sheriffs Office and Town will be on accord with respect to enforcement if everyone uses the same ordinances.

Building Inspections: Mr. Wilson has met with England Associates regarding administrative issues and will update Mr. DeHaven on them.

Storm Water Management Ordinances: Mr. Wilson distributed a packet of Storm Water Ordinances: 3 ordinances; an Intergovernmental Agreement; and a Resolution. The information relates to population density, storm water management, and how to handle storm water issues. The County administers storm water management programs for several other municipalities and Mr. Wilson will recommend that Council ask the County to administer the Town's Plan. He will present an ordinance for First Reading at the December 18th meeting. Mr. Wilson will also address Flood Plain issues; Storm Water and Flood Plain Management are vital issues that must be addressed.

Planning Consultant Report:

Public Hearing: Ordinance #2007-13 to Amend the Text of the Zoning Ordinance to provide for the Safety of all Residential Housing to have only one Electric Meter per lot.

Mr. DeHaven said the amendment to this Ordinance is for safety consideration; the Town already uses the guidelines of SCE&G and this regulation is a part of the Town's building codes. This amendment has also been added to the Town's zoning requirements.

Mr. DeHaven opened the Public Hearing: The following individuals addressed Council.

Van Fleming: 1331 Battalion Drive: **Mr. Fleming asked if this requirement would be for any type of residence.** Mr. DeHaven responded that this requirement would be on any residence in the category of RSL, RR3, RR1, and RSM.

Mr. Fleming asked if this requirement would have effect on duplexes. Mr. DeHaven responded that it would have no affect on duplexes unless they are illegal. If the homeowner is currently sharing a meter; they would need to apply for two meters. Condominiums would go through the Town's process. **Mr. Fleming asked if someone built a duplex; would two meters be required;** Mr. DeHaven said two meters would be required. Councilman Blank confirmed the requirements for a multi-family zoning area.

Councilman Qualey asked how this requirement would affect individuals having existing out buildings or garage apartments used for offices. Mr. Qualey noted that this situation applied to him; Mr. DeHaven said this requirement will apply to all zoning categories and explained the 2 year vested rights associated with the requirement. He said this will strengthen the Town's building codes and meets FEMA and Charleston County's requirements as well.

Mr. Fleming asked if this requirement will help people, or prevent them from doing what they want to do on their property. Mr. DeHaven said this is a safety matter and the Town is trying to bring everyone into compliance. He explained the risks associated with having multiple people living in ground floor apartments below the flood plain - this has an effect on the increase in flood insurance rates. There is also a hazard to fire personnel when they respond to emergencies not knowing about multiple meters on a property. Mr. DeHaven said this is a mandatory requirement for FEMA and is a safety matter for the Fire Service.

There were no further comments and Mr. DeHaven closed the Public Hearing.

Second and Final Reading: Ordinance #2007-13 to Amend the Text of the Zoning Ordinance to provide for the Safety of all Residential Housing to have only one Electric Meter per lot.

ORDINANCE NO. 2007-13

TOWN OF JAMES ISLAND, SC
AN ORDINANCE TO AMEND THE TEXT OF THE ZONING ORDINANCE
TO PROVE FOR THE SAFETY OF ALL RESIDENTIAL HOUSING
TO HAVE ONLY ONE ELECTRIC METER PER LOT

IN COUNCIL DULY ASSEMBLED

WHEREAS, The South Carolina Code of laws under section 6-29-760 allows for amendments to the Comprehensive Plan adopted by the Planning Commission and the Town Council to allow text amendments to improve the design, character and quality of existing zoning districts and promote the general welfare and;

WHEREAS, The Planning Commission for the Town of James Island, SC has held a recommended approval of the text change to include a provision as stated "In all residential zoning districts RR3- Rural Residential, RR1 Rural Residential, RSL Low Density Suburban Residential, RSM Moderate Density, MHS Manufactured Housing Subdivision, MHP Manufactured Housing Park, only one electric meter will be allowed per lot "and requests the Town Council to set a public hearing on the request.

NOW, THEREFORE, in Council duly assembled The Town Council accepts the amendment and directs the Planning Administrator to cause the official zoning map to be changed to reflect the proposed changes.

Mr. DeHaven asked for a motion for the Second and Final Reading of Ordinance #2007-13. **Councilman Blank made a motion to accept the Second and Final Reading, seconded by Councilman Williams.**

Councilman Qualey asked if some one wanted a separate meter, would a variance be required. Mr. DeHaven said two variances would be required, one for building codes, and the other for zoning.

After discussion, **Ordinance #2007-13, was approved unanimously without opposition.** First Reading: Ordinance #2007-14 Lowcountry Heritage Overlay District:

Ordinance #2007-14

AN ORDINANCE TO AMEND THE COMPREHENSIVE PLAN ADOPTED MARCH 20,
2007

WHEREAS, The Town Council adopted a Comprehensive Plan for all properties within the Town limits effective March 20, 2007, and;

WHEREAS, The Town Council is desirous to Amend the Plan to include a New Overlay Zoning District to improve the application of the Plan and Protection from intense development of certain properties which have a historical, cultural, or environmental significance within the Town limits, and;

WHEREAS, The Local Government Comprehensive Planning Act of 1994 found in the S.C. Code of Laws Title 6, Chapter 29 allows for amendment of the Adopted Comprehensive Plan by the Town Council;

NOW, THEREFORE, IN COUNCIL DULY ASSEMBLED;

1. The Town Council for the Town of James Island, SC after referring the issue of a Cultural District to protect the Gullah Geetchee Culture, coastal environmental properties including but not limited to marsh lands, beach front properties, coastal islands; battlefield sites from the Civil War, War for Independence, and Indian Wars; grave sites; burial grounds; rice plantation fields and lagoons; to the Town's Planning Commission and after a majority vote by the Planning Commission has been made to approve the creation of an Overlay District, hereby adopts this Overlay District as an amendment to the Comprehensive Plan for the Town of James Island, SC.

2. The Overlay District shall establish development standards which comply with SC DHEC waste water disposal, public sewer service by James Island PSD, OCRM standards for wetland development or protection, FEMA regulations for flood plain management, and any building code regulations which must be met by any new developer or sub-divider of any parcel, tract, or lot of land within the district.
3. Any property owner having ownership within the Overlay District shall have the right to opt out of the district by written petition within 90 days after the publication of the list of properties has been advertised.
4. Any property owner within the Town may request inclusion into the district by petition at any time. The Town Council reserves the right to include, not include, or remove any property from the district by directing the town's staff to make such change reflecting the will of Council.

This Ordinance shall become effective upon approval of the Second Reading of Town Council.

Councilman Wilder made a motion to accept Ordinance # 2007-14, Lowcountry Heritage Overlay District, seconded by Councilman Williams.

Councilman Blank asked if a Hearing would be scheduled. He said people need to know the affects this Overlay District will have on them. Mr. DeHaven said a Public Hearing would be scheduled at the beginning of the year and Hearings will be held in various communities on the island, i.e., Sol Legare, etc.

Councilman Blank asked if the Overlay was a rezoning; to which Mr. DeHaven responded that it is a creation of an Overlay District that can be applied on a per parcel basis. Everyone will be noticed and given an opportunity to opt in or out. Properties in an estate will not be included unless the family requests it.

Councilman Qualey asked if there were other areas where an Overlay District had been adopted. Councilmen Williams and Wilder explained the Overlay District and related it to the formation of the Gullah-Geetchee corridor (from Wilmington, North Carolina to Jacksonville, Florida); St. Helena and Dafuskie Island, has created Overlay Districts, and Folly Beach recently passed one for condos. Councilman Wilder said the entire Island would fall under this District and it will also include Morris Island, Cummings Point, Clarks Point and other historical places, including Forts.

Councilman Wilder said this Overlay District will help to protect heir properties. Mr. DeHaven said most of the properties in this District are in a Special Management District and this will help to prevent dense development until the people decide whether or not to be included in the Overlay District. Those who choose to be included will qualify for federal grants for housing initiatives.

Councilman Qualey said there was no definition of what properties are subject to the Overlay District; and a map should be included showing the parcels in question. He asked Mr. Wilson to do more study and report his findings back to Council. Councilman Williams did not agree with further research and did not want First Reading of the Ordinance to be delayed. Mr. Qualey said he was not against the passage of the Ordinance; he needed further information about it. He asked Mr. Wilson to research:

- Other areas that adopted an overlay district
- What impact it has had
- How was it resolved/dealt with

Councilman Qualey amended the motion to defer First Reading to the next meeting in order for Mr. Wilson to study and render an opinion to Council; the motion was seconded by Councilman Blank.

Councilman Blank added that anything that is done to affect the public's ownership of their property should be clearly understood by them; he said he is not against passing the Ordinance; he too, wanted additional information before making a decision.

Mr. DeHaven called for the vote, the roll was called and votes recorded as follows:

Councilman Blank - Yes
Councilman Wilder – Yes
Mayor Clark - No

Councilman Qualey - Yes
Councilman Williams - No

The motion was approved upon a 3-2 vote to defer the First Reading of Ordinance #2007-14 to legal counsel for further study.

Planning Administrator's Report: The Planned Unit Development for the Five Points area will be heard by the Planning Commission on December 13, 2007, at the Town Hall Offices at 6:30 P.M.